

merely details the twelve-man jury right in the constitution and makes it a constitutional guarantee.

All of the reasons given yesterday by that outstanding conservative Delegate Clinton Bamberger in support of the twelve-man criminal jury, I submit to you are applicable, indeed very applicable to civil juries.

To the arguments that the jury trial slows down justice, I submit if you curtail juries you would be eroding the very justice that you wish to secure. If speed in regard to trials is your only concern, I submit it would take just as long. You would not save five minutes if you tried a case in front of a six-man jury or if you tried a case in front of a twelve-man jury. It would still require opening statements; it would still require instructions by the judge to the jury; and it would still require closing arguments.

Let me point out to you what this amendment does not do. For those of you who are concerned about the possibility of having jury trials on the District Court level, let me say that there may or may not be jury trials on the District Court level, regardless of what we do with this amendment. This does not guarantee that there be jury trials on the District Court level, but it does provide that if the legislature should adopt jury trials on the District Court level that the legislature in its wisdom may reduce that number to six.

I point out that this amendment is not reducing the number of jurors on the Supreme Court level, whereas the majority report does in fact open that opportunity.

I have appeared before this Committee on several occasions and I have urged many, many amendments. I wanted to tell you that it is my opinion that for years, insurance companies, their representatives, and lobbyists have been attempting to eliminate jury trials in civil cases. I am sure that you will agree with me that this is an undemocratic principle and you can imagine the blow that this would cause jurisprudence in the State of Maryland.

For all the reasons given, I urge you to adopt this amendment.

THE CHAIRMAN: Does any delegate desire to speak in opposition?

Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman, ladies and gentlemen of the jury, I have to rise in opposition to this amendment, and I urge the rejection for this reason: There

was nothing sinister in what the Committee on Personal Rights did in this matter. There was no attempt by the Committee on Personal Rights to limit or in any way hold the jury system in civil cases. We specifically made no reference to, and are not relating this provision to the district court or to any other court. All we did was to provide that jury cases in civil matters shall be available to all, depending upon the jurisdiction amount to be set by the legislature because obviously any fixed amount could become out of date in any given period of time. We thought that there would be cases and situations where the legislature might uniformly want to establish a jury of less than twelve. It could well be in a district case. It might not be at all. I would much prefer personally for you simply, if you want a jury of twelve in civil cases, to say twelve and let it go at that.

I would oppose this kind of language. It simply confuses the issue. We had no reference to any particular set of courts. I think it is not helpful.

I would, therefore, urge that you reject this amendment, and if you want to increase and make firm the number of jurors in civil cases, just say twelve and let it go at that.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Marvin Smith.

DELEGATE M. SMITH: Mr. Chairman, I thought the amendment was rather clear. I think there were some of us who have looked forward to the possibility that in the District Court there might be juries of six to dispose of some matters that perhaps are not worthy of going all the way to the Superior Court, but I believe that in the matters of substance that it is contemplated that the Superior Court will handle, we should have the guarantee of a twelve-man jury, and this is what this amendment provides.

THE CHAIRMAN: Does any other delegate desire to speak in opposition to the amendment?

Delegate Child.

DELEGATE CHILD: Mr. Chairman, I do not want to take up very much time. I merely was on the subcommittee with Delegate Weidemeyer when we wrote this provision.

None of us knows at this date, and we possibly will not know for a year, what the jurisdiction of the District Court will be.